

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STACIA Langley, et al.,

No. 2:20-cv-00635-DJC-CSK

Plaintiffs,

v.

GUIDING HANDS SCHOOL, INC., et
al.,

Defendants.

This action was previously stayed on March 1, 2022, pending the resolution of state criminal proceedings related to the events underlying some of this action. Plaintiffs Stacia Langley and Estate of Max Benson have filed a motion requesting that the stay be partially lifted for the limited purposes of filing motions to sever claims and for leave to amend, as well as so limited discovery can begin for defendants and third parties not subject to the criminal proceedings. (Mot. (ECF No. 302).) For the reasons stated below, the Court grants in part and denies in part this motion.

I. Background

Plaintiffs are children and parents of children who attended Guiding Hands School ("GHS"), a nonpublic school contracted by various school districts to provide special education services. Plaintiffs' claims concern the treatment of students at GHS and, in particular, the unnecessary use of restraints and force against students. The

1 Third Amended Complaint ("TAC"), the current operative complaint in this action,
2 brings claims against over forty defendants including the California Department of
3 Education ("CDE"), different school districts, school district employees, GHS, and GHS
4 employees. Some Defendants are common between each Plaintiff's claims and others
5 are only relevant to individual Plaintiffs.

6 Notably, Plaintiffs include Plaintiff Estate of Max Benson and Plaintiff Stacia
7 Langley, Max Benson's mother (jointly, the "Langley Plaintiffs"). Max Benson died
8 allegedly as the result of restraints used by GHS employees. In 2022, state criminal
9 charges were brought against four defendants in this action – GHS along with three
10 GHS employees, Kimberly Wohlwend, Cindy Keller, and Staranne Meyers – based on
11 the events that led to Max Benson's death. The state criminal proceedings are still
12 pending at the time of this order. Langley Plaintiffs represent that the trial has recently
13 been continued to May 27, 2025.

14 Plaintiffs originally filed this action in El Dorado County Superior Court in late
15 2019 and it was removed to this Court on March 23, 2020. (See Not. of Removal (ECF
16 No. 1) at 1.) The parties engaged in heavy pleading-stage litigation until District
17 Judge Troy L. Nunley stayed the action in full on March 1, 2022.¹ (Stay Order (ECF
18 No. 234).) At the time the action was stayed, there were numerous unresolved
19 motions pending before the Court. (See ECF Nos. 135-137, 139, 141-146, 149, 197 ,
20 221, 223, 229.)²

21 Plaintiffs originally requested the stay due to the pending state criminal case
22 with several Defendants opposing a stay. Judge Nunley granted the stay over the
23 opposition of Defendants, finding that "the CMAX factors weigh[ed] in favoring of

25 ¹ Shortly after removal, Judge Nunley stayed discovery until the pleadings were settled. (ECF No. 10.)
26 The parties early litigation was all related to the form and adequacy of the initial pleadings.

27 ² Due to the age and number of previously pending motions, this is not a definitive list of unresolved
28 motions. These motions appear to have been pending at the time of the stay but prior to the status
conference discussed later in this order, the Court will ask the parties to identify motions that require a
ruling.

1 granting a stay in this action pending conclusion of the parallel criminal proceedings.”
2 (Stay Order at 5.) This stay has remained in place for over two years as the criminal
3 case remains pending.

4 Now that the trial date in the state criminal proceedings has been continued,
5 Langley Plaintiffs request that the Court lift the stay for the limited purposes of Langley
6 Plaintiffs filing a motion to sever their claims³, filing a subsequent motion to amend
7 the Complaint in light of the severance, and conducting discovery as to Defendants
8 who are not involved in the criminal proceedings. (See Mot.) Multiple Defendants
9 have opposed the Langley Plaintiffs’ Motion to Lift Stay (ECF Nos. 304, 307-09, 311-
10 12) and the other Plaintiffs have filed a Statement of Non-Opposition to the Motion
11 (ECF No. 306).

12 **II. Discussion**

13 Federal district courts are not obligated to stay civil proceedings during the
14 pendency of state criminal proceedings. *Keating v. Off. of Thrift Supervision*, 45 F.3d
15 322, 324 (9th Cir. 1995). However, a court may, in its discretion, stay civil proceedings
16 in the interests of justice. *Id.* The decision of whether to stay a civil action during the
17 pendency of parallel state criminal proceedings should be made “in light of the
18 particular circumstances and competing interests involved in the case.” *Id.* (internal
19 citations and quotation marks omitted). The Court must thus consider “the extent to
20 which the defendant’s fifth amendment rights are implicated[,]” as well as five
21 additional factors outlined in *Keating*: “(1) the interest of the plaintiffs in proceeding
22 expeditiously with this litigation or any particular aspect of it, and the potential
23 prejudice to plaintiffs of a delay; (2) the burden which any particular aspect of the
24 proceedings may impose on defendants; (3) the convenience of the court in the
25 management of its cases, and the efficient use of judicial resources; (4) the interests of

26
27 ³ Langley Plaintiffs previously filed a motion to sever on August 25, 2023. (ECF No. 287.) That motion
28 was denied as the action was stayed and no party had sought to lift the stay. At that time, all
Defendants indicated their non-opposition to severance of the Langley Plaintiffs’ claims. (See ECF Nos.
288-292.)

1 persons not parties to the civil litigation; and (5) the interest of the public in the
2 pending civil and criminal litigation." *Id.* at 324-25. While the CMAX factors are
3 generally used to analyze whether to grant a stay, in the context of parallel state
4 criminal charges, courts apply the *Keating* analysis instead. See, e.g., *Cho v. City of*
5 *San Jose*, 636 F. Supp. 3d 1034 (N.D. Cal. 2022) (applying the *Keating* analysis, not the
6 CMAX factors); *Sostek v. County of San Bernardino*, No. 5:23-cv-02236-MRA-MRW,
7 2024 WL 3467714 (C.D. Cal. May 30, 2024) (same); *Houseton v. Kirk*, No. 2:23-cv-
8 06887-SVW-MRW, 2024 WL 3051057 (C.D. Cal. May 6, 2024) (same); *Monterrosa v.*
9 *City of Vallejo*, No. 2:20-cv-01563-DAD-DB, 2023 WL 8113523 (E.D. Cal. Nov. 22,
10 2023) (same).

11 Here, the stay of this action was based on pending criminal charges based on
12 the events surrounding Max Benson's death against four Defendants named in this
13 action. Naturally, civil proceedings concerning these same events could implicate
14 those Defendants' Fifth Amendment rights. However, Langley Plaintiffs request to lift
15 the stay expressly seeks to avoid any litigation that would present any such conflict.
16 The two motions Langley Plaintiffs wish to file are a Motion to Sever and, should
17 severance be granted, a Motion to Amend. Neither of these motions implicates the
18 criminal Defendants' Fifth Amendment rights. Langley Plaintiffs further request that
19 they be permitted to conduct limited discovery but only from Defendants and third
20 parties who are not defendants in the criminal proceedings. (Mot. at 7 ("Langley
21 Plaintiffs humbly ask this Court to permit a lift of the stay permitting discovery into any
22 remaining Defendants or third parties who are not subject to the criminal case
23 proceedings")) As such, the partial lift of stay requested by Langley Plaintiffs
24 does not have any implications on the Fifth Amendment rights of any defendant who
25 is presently the subject of criminal proceedings. Turning to the other factors
26 identified in *Keating*, the Court finds that they support a partial lift of the stay.

27 First, this action was filed in 2019 and, five years later, has yet to proceed past
28 the pleading stage. Plaintiffs (both Langley Plaintiffs and others) have a clear interest

1 in having their cases resolved quickly. See *ESG Cap. Partners LP v. Stratos*, 22 F. Supp.
2 3d 1042, 1046 (C.D. Cal. 2014) (“Courts have recognized that a civil plaintiff has an
3 interest in having her case resolved quickly”). While the partial lift of the stay
4 requested will not resolve this action, it will mean that when criminal proceedings do
5 conclude, litigation of these civil proceedings will be more mature and closer to
6 resolution.

7 *Second*, the burden imposed on Defendants in permitting limited litigation
8 would be no more than on any other defendant in a civil proceeding. As noted
9 above, the partial lift of the stay Langley Plaintiffs request carefully avoids any conflict
10 with the state criminal proceedings. Unlike other cases where this factor weighs in
11 Defendants favor, trial is not imminent, the criminal Defendants will not be forced to
12 choose between testifying in the civil proceedings or invoking their Fifth Amendment
13 rights, and Langley Plaintiffs do not seek to take any action that would implicate those
14 rights at all. See *Cho*, 636 F. Supp. 3d at 1040; see also *ESG Cap. Partners*, 22 F.
15 Supp. 3d at 1046–47.

16 *Third*, the Court has an interest in ensuring that this action – which all parties
17 agree is complex and will likely involve lengthy litigation even after the stay is fully
18 lifted – is proceeding forward where possible. *Fed. Sav. & Loan Ins. v. Molinaro*, 889
19 F.2d 899, 903 (9th Cir. 1989).

20 *Finally*, as to the fourth and fifth factors identified in *Keating*, there is no
21 indication that non-parties have a particular interest in this litigation. With that said,
22 the interest of the public in both the criminal and civil litigation is undoubtedly high
23 given the publicity of the underlying events and the broader interest in the safety of
24 children in schools. Weighed together, the *Keating* factors thus clearly favor partially
25 lifting the stay to permit litigation to proceed insofar as it does not implicate the Fifth
26 Amendment rights of Defendants.

27 Defendant CDE, Yolo Defendants, and Davis Joint Unified School District
28 Defendants argue that the Court should first resolve the pending motions to dismiss

1 before considering a Motion to Sever. (See ECF No 304 at 3; ECF No. 308 at 3; ECF
2 No. 309 at 5.) The Court has not received any motion to partially lift the stay to
3 adjudicate those motions. Additionally, each of these Defendants who now argue that
4 their Motions to Dismiss should be resolved before severance previously filed
5 Statements of Non-Opposition to Langley Plaintiffs' prior Motion to Sever. (See ECF
6 Nos. 288, 290, 291.) None of the Defendants who now argue that the Motions to
7 Dismiss should be adjudicated first previously raised this concern. Thus, these
8 Defendants arguments now that the Court should not consider a Motion to Sever
9 before ruling on the Motions to Dismiss is unpersuasive. Moreover, it is not clear that
10 adjudicating those motions first before addressing severance would provide any
11 substantial savings of time and energy for the Court and parties. This is not to suggest
12 that the Court will ultimately grant Langley Plaintiffs' proposed motions, only that the
13 Court will resolve these motions first, regardless of the result.

14 With the above said, the Court will only grant Langley Plaintiffs' Motion in part
15 and lift the stay for only for purposes of the Motion to Sever and, should that
16 severance be granted, a Motion for Leave to File an Amended Complaint. After the
17 Court rules on those motions, it is the Court's intent to set a status conference with all
18 parties to determine whether the stay should be lifted for any other purpose
19 including, but not limited to, resolving some of the pending motions to dismiss and
20 permitting the parties to engage in limited discovery. As such, the remainder of
21 Langley Plaintiffs' Motion is denied without prejudice to renewal after the resolution of
22 the forthcoming Motion to Sever.

23 **III. Conclusion**

24 For the reasons stated above, IT IS HEREBY ORDERED, that:

- 25 1. Langley Plaintiffs' Motion to Partially Lift Stay (ECF No. 302) is GRANTED
26 IN PART as to the forthcoming Motion to Sever and, should severance be
27 granted, Motion to Amend and DENIED IN PART as the request to
28 engage in limited discovery;

- 1 2. Within 14 days of this order, Langley Plaintiffs shall file their Motion to
2 Sever. Defendants shall file Opposition or Statements of Non-
3 Opposition within 14 days of that Motion being filed and any Reply shall
4 be due 10 days thereafter. After an order is issued as to the Motion to
5 Sever, the Court will issue an order setting a further schedule.
6 3. The stay of this action remains in effect for all other purposes.

7 IT IS SO ORDERED.

8 Dated: December 6, 2024


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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